

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Satir Andrew's Plaza  
New York, New York 10007*

December 5, 2007

**By Facsimile**

Honorable Barbara S. Jones  
United States Courthouse  
500 Pearl Street, Rm. 620  
New York, NY  
Fax: (212) 805-6191

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**Re: United States v. DeVito, et al.  
S3 06 Cr. 1089 (BSJ)**

Dear Judge Jones:

The Government respectfully submits this letter to request that the Court exclude time in the above-captioned case pursuant to the Speedy Trial Act. As of the last conference before the Court, which was on October 5, 2007, Your Honor had excluded time up to and including November 30, 2007, to permit for production and review of discovery by the parties. The parties were due to appear before the Court on November 30, 2007. In view of the Government's stated intention to file a superseding indictment in this matter, the court conference was adjourned.

Thereafter, on December 3, 2007, the Government unsealed a superseding indictment in this matter, which added new charges and a new defendant to this case. The parties are presently scheduled to appear before Your Honor on December 12, 2007 at 4:00 p.m. for arraignment on the new indictment and a pretrial conference. The Government respectfully requests that time be excluded under the Speedy Trial Act from today, December 5, 2007 until December 12, 2007, to

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permit the Government to produce additional discovery to the defense, and to allow certain parties to continue their plea discussions with the Government.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

By:



Katherine R. Goldstein  
Assistant United States Attorney  
(212) 637-2641

cc: all defense counsel (by facsimile)

Application granted. In the interest of Justice for the reasons stated above, speedy trial time is excluded from December 5, 2007 to December 12, 2007 pursuant to 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED

Dated:

  
BARBARA S. JONES  
U.S.D.J.

Dec. 5, 2007